

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALEJANDRO VALASQUEZ-TAPIA : CIVIL ACTION
: :
v. : :
: :
SUPERINTENDENT VARANO, ET AL. : NO. 09-38

ORDER

AND NOW, this 23rd day of June, 2009, upon careful and independent consideration of the Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Docket No. 1) and the Answer thereto, and after review of United States Magistrate Judge David R. Strawbridge's Report and Recommendation (Docket No. 7), to which Petitioner has filed no objections, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Judge Strawbridge is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED WITH PREJUDICE**;
3. Because Petitioner has failed to make a substantial showing of the denial of a constitutional right or demonstrated that a reasonable jurist would debate the correctness of this ruling, the Court declines to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2); and
4. The Clerk shall **CLOSE** this case statistically.

BY THE COURT:

/s/ John R. Padova, J.
John R. Padova, J.